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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/416,757	10/12/1999	LILA MADOUR	040010-440	6600

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EXAMINER

WAXMAN, ANDREW

ART UNIT

PAPER NUMBER

2662

8

DATE MAILED: 04/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/416,757

Applicant(s)

MADOUR ET AL.

Examiner

Andrew M Waxman

Art Unit

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-7,10,13 and 15-19 is/are rejected.
- 7) ☒ Claim(s) 2,3,8,9,11,12,14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. The amendment filed 2/4/03 has been entered. Claims 1-19 remain pending.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4, 10, 13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sturniolo et. al., patent number 6,201,962, in view of La Porta et al., patent number 6,496,505, herein after referred to as Sturniolo and LaPorta respectively.

Regarding claim 1, Sturniolo discloses a method for keeping a session active while changing data communications networks. In association with a session (Fig. 2 element 58), packets are received (Fig. 2 element 67) over a first communications network (Fig. 1 LAN 1). A second connection is then requested (Fig. 2 element 74) with a second data communications network (Fig. 2 LAN 2). An address of a gateway (Fig. 2 element 76) associated with the second network is acquired and packets are routed (Fig. 2 element 67) over the second connection based on the gateway address.

Sturniolo does not disclose establishing a tunnel between the two gateways and routing packets between the gateways by way of the established tunnel.

Art Unit: 2662

LaPorta discloses establishing a tunnel between two entities in a mobile IP-network (see col. 33-34 lines 60-17 and Fig. 20).

At the time the invention was made it would have been obvious to one of ordinary skill in the art to include routing packets over a tunnel, as disclosed by LaPorta, in the invention as disclosed by Sturniolo.

One of ordinary skill in the art would have been motivated to do this in order to help reduce packet overhead and delay when transmitting packets between the two entities, thereby increasing packet transmission efficiency.

Regarding claim 4, Sturniolo further discloses 1 the request for the second connection being initiated by the mobile terminal (Fig 4o element 114 see col. 18 lines 25-29).

Regarding claim 13, Sturniolo further discloses the mobile device providing the first network with the network identity associated with the second gateway (Fig 4o element 114 see col. 18 lines 25-44).

Regarding claim 10, Sturniolo in view of La Porta discloses all of the limitations as recited above with respect to claim 1.

Sturniolo in view of LaPorta does not disclose the first gateway is a Gateway General Packet Radio Services Serving Node.

Art Unit: 2662

At the time the invention was made it would have been obvious to one of ordinary skill in the art to include a Gateway General Packet Radio Services Serving Node as the first gateway in the invention as disclosed by Sturniolo in view of LaPorta.

One of ordinary skill in the art would have been motivated to do this in order to make the invention, as disclosed by Sturniolo in view of LaPorta, conform to a widely used mobile networking standard, thereby making the invention more profitable.

Regarding claim 15, Sturniolo in view of La Porta discloses all of the limitations as recited above with respect to claim 1.

Sturniolo in view of LaPorta does not disclose the communications network using a MobileIP Protocol.

At the time the invention was made it would have been obvious to one of ordinary skill in the art to make use of the MobileIP networking protocol in the invention as disclosed by Sturniolo in view of LaPorta.

One of ordinary skill in the art would have been motivated to do this in order to make the invention, as disclosed by Sturniolo in view of LaPorta, conform to a widely used mobile networking protocol standard, thereby making the invention more profitable.

Claims 16, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aziz.

Art Unit: 2662

Regarding claims 16, 18, and 19, Aziz discloses all of the limitations as recited above with respect to claim 5-7.

Aziz does not disclose the first gateway being a Gateway General Packet Radio Services Serving Node.

At the time the inventions were made it would have been obvious to one of ordinary skill in the art to include a Gateway General Packet Radio Services Serving Node as the first gateway in the inventions as disclosed by Aziz.

One of ordinary skill in the art would have been motivated to do this in order to make the inventions, as disclosed by Aziz, conform to a widely used mobile networking standard, thereby making the inventions more profitable.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 5-7, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Aziz, patent number 5,325,362.

Regarding claim 5, Aziz teaches a method that includes receiving packets form a first network (Fig. 8 element 20). Moving to and selecting a gateway (Fig. 8 element 60) in a second network (Fig. 8 element 27). Initiating a connection request in the second network that includes the address of a gateway associated with the first network (see col. 6 lines 56-60). Establishing a tunnel (Tunnel is established. See col. 7 lines 3-7) between two entities for transmitting packets. Forwarding and receiving packets at the gateway in the second network (Fig. 8 Tunnel 'A').

Regarding claim 6, Aziz discloses a method that includes receiving packets from a first network. Sending routing information (OTHER\_HAS see col. 6 lines 58-65), from a first gateway (Fig. 8 element 62) to a second network (Fig. 8 element 27). Connecting and retrieving the address of a gateway (Fig 8 element 60) in the second network (see col. 6 lines 61-64). Establishing a tunnel (Tunnel A) between the two gateways (Tunnel A), forwarding packets from the first gateway to the second gateway over the established tunnel, and then on to the mobile device (Tunnel is established. See col. 7 lines 3-7).

Regarding claim 7, Aziz discloses a method that includes receiving packets from a first network. Sending a request for access (WHO\_HAS see col. 6 lines 58-60), from user equipment (Fig. 8 element 50) to a second network (Fig. 8 element 27). Connecting and retrieving the address of a gateway (Fig 8 element 60) in the second network. Sending the address from the user equipment to a gateway in the first network (I\_HAVE see col. 7 lines 2-4), establishing a

Art Unit: 2662

tunnel (Tunnel A) between the two entities, forwarding packets from the first gateway to the second gateway and then on to the user equipment (Tunnel is established. See col. 7 lines 3-7).

Regarding claim 17, Aziz further discloses the first gateway (62) providing the address to the preferred gateway (70). See col. 6 lines 55-68.

***Allowable Subject Matter***

6. Claims 2, 3, 8, 9, 11, 12, and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

7. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Turunen, patent number EP 0 924 914 A2, discloses a mobile internet protocol. Flynn, patent number WO 99/31853, discloses a method for mobile data routing. Burgaleta Salinas et. al., patent number 6,469,998, discloses a method and apparatus for communicating data packets from an external packet network to a mobile radio station.

Art Unit: 2662

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew M Waxman whose telephone number is (703) 305-8086. The examiner can normally be reached on 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (703) 305-4744. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Application/Control Number: 09/416,757  
Art Unit: 2662

Page 9

Andrew M. Waxman  
April 6, 2003



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